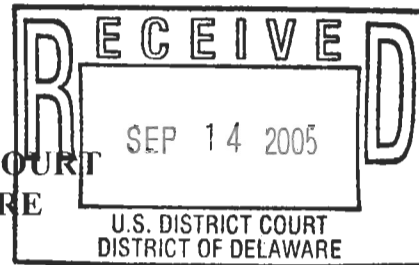


(Del. Rev. 12/98)

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWAREJudy Enders / marden

(Name of Plaintiff or Plaintiffs)

05 - 669

CIVIL ACTION No. _____

Super Fresh

(Name of Defendant or Defendants)

COMPLAINT UNDER TITLE VIIOF THE CIVIL RIGHTS ACT OF 1964

1. This action is brought pursuant to *Title VII of the Civil Rights Act of 1964*, as amended, for **employment discrimination**. Jurisdiction exists by virtue of 42 U.S.C. §2000e-5. Equitable and other relief are also sought under 42 U.S.C. §2000e-5(g).

2. Plaintiff resides at 1 Laurel Ave
(Street Address)
Wilm Newcastle De. 19809
(City) (County) (State) (Zip Code)
302-791-9467
(Area Code) (Phone Number)

3. Defendant resides at, or its business is located at 2105 Phila Pike
(Street Address)
Claymont Newcastle De. 19703
(City) (County) (State) (Zip Code)

4. The discriminatory conduct occurred in connection with plaintiff's employment at, or application to be employed at, defendant's Super Fresh place of business
(Defendant's Name)
 located at 2105 Phila Pike
(Street Address)
Claymont Newcastle De. 19703
(City) (County) (State) (Zip Code)

5. The alleged discriminatory acts occurred on Dec. 2001, - Aug 03
(Day) (Month) (Year)

6. The alleged discriminatory practice ☒ is ☐ is not continuing.

7. Plaintiff filed charges with the Department of Labor of the State of Delaware,
Division of Industrial Affairs 4425 N. Market Wilm.
(Agency) (Street Address) (City)
New Castle De. 19802, regarding
(County) (State) (Zip Code)
 defendant's alleged discriminatory conduct on Dec. 2001 - Aug. 2003.
(Day) (Month) (Year)

8. Plaintiff filed charges with the Equal Employment Opportunity Commission of the United States
 regarding defendant's alleged discriminatory conduct on: Dec. 2001 - Aug 2003
(Day) (Month) (Year)

9. The Equal Employment Opportunity Commission issued the attached Notice-of-Right-to-Sue letter
 which was received by plaintiff on: 27, June, 2005
(Day) (Month) (Year)

(NOTE: ATTACH NOTICE-OF-RIGHT-TO-SUE LETTER TO THIS COMPLAINT.)

10. The alleged discriminatory acts, in this suit, concern:

- A. ☒ Failure to employ plaintiff.
- B. ☒ Termination of plaintiff's employment.
- C. ☒ Failure to promote plaintiff.
- D. ☒ Other acts (please specify below)

yelling, screaming, denying the right
of fulltime employment as is given to all
men. Was forced to tolerate my boss
and feeling Breast and Rear end. Schedule
preference to men. Repeatedly Sheduling
me when day care was closed. Even though
my boss was given timely notice!

11. Defendant's conduct is discriminatory with respect to the following:

- A. ☒ Plaintiff's race
- B. ☒ Plaintiff's color
- C. ☒ Plaintiff's sex
- D. ☒ Plaintiff's religion
- E. ☒ Plaintiff's national origin

12. A copy of the charges filed with the Equal Employment Opportunity Commission is attached to this complaint and is submitted as a brief statement of the facts of plaintiff's claim.

13. If relief is not granted, plaintiffs will be irreparably denied rights secured by Title VII of the 1964 Civil Rights Act, as amended.

14. Plaintiff's has no adequate remedy at law to redress the wrongs described above.

THEREFORE, Plaintiff prays as follows: (Check appropriate letter(s))

- A. ☒ That all fees, cost or security attendant to this litigation be hereby waived.
- B. ☒ That the Court appoint legal counsel.
- C. ☒ That the Court grant such relief as may be appropriate, including injunctive orders, damages, cost and attorney's fees.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 9-14-05

Judy Enders/maden
(Signature of Plaintiff)

(Signature of additional Plaintiff)

CHARGE OF DISCRIMINATION**ENTER CHARGE NUMBER**

This form is affected by the Privacy Act of 1974

☐ FEPA
☐ EEOC
Delaware Department of Laborand **EEOC**

(State, or local Agency, if any)

NAME (Indicate Mr., Mrs., Ms)

Judy Ann Enders/Maden

HOME TELEPHONE NO. (Include Area Code)

(302) 791-9467

STREET ADDRESS**CITY, STATE AND ZIP CODE****COUNTY**

1 Laurel Ave Wilmington DE 19809 NCC

NAMED IS THE EMPLOYER, LABOR ORGANIZATION, EMPLOYMENT AGENCY, APPRENTICESHIP COMMITTEE, STATE OR LOCAL GOVERNMENT AGENCY WHO DISCRIMINATED AGAINST ME (If more than one, list below.)**NAME**

Superfresh Supermarket

NO. OF EMPLOYEES OR MEMBERS 100+**TELEPHONE NUMBER** (Incl. Area Code)
(302) 798-4557**STREET ADDRESS****CITY, STATE AND ZIP CODE**

2105 Philadelphia Pike Claymont, DE 19703

NAME**TELEPHONE NUMBER** (Include Area Code)**STREET ADDRESS****CITY, STATE AND ZIP CODE**
☐ RACE ☐ COLOR ☒ SEX ☐ RELIGION ☐ NATIONAL ORIGIN ☐ AGE
DATE DISCRIMINATION TOOK PLACE**EARLIEST** 12/16/02
☐ RETALIATION ☐ DISABILITY ☐ OTHER (Specify)
LATEST 8/16/2003☒ **CONTINUING ACTION****THE PARTICULARS ARE** (If additional space is needed, attached extra sheet(s):

I. I am a female individual who began working for Respondent on 08/31/98 most recently as a Meat Wrapper. In the winter of 2001 I became pregnant and began experiencing disparate treatment from my supervisor when he scrutinized my work and the amount of time I spent on break. I went out on maternity leave in March of 2002. When I returned to work in Winter of 2002 I submitted a vacation schedule and was subjected to harassment from my supervisor, Rich Elliot (male, Meat Manager) regarding this request. From this point on I was subjected to disparate treatment by Mr. Elliot and not afforded the same opportunities as my male co-workers. I was harassed on a daily basis which culminated in a hostile work environment and my leaving on medical leave in August of 2003. During this period of time, I was not granted permission to leave work early when problems arose or approved for vacation time whereas my male counterparts were afforded the opportunity to leave early when they request to do so and always approved for their requested vacation schedules.

II. Respondent has not provided an explanation for this disparate treatment.

III. I believe I have been discriminated against in violation of Title VII of the Civil Rights Act of 1964, as amended based upon my gender (female) because: 1. All of my male co-workers are granted their vacation requests and afforded the opportunity to leave early if a problem arises, I am not approved for vacation nor am I allowed to leave early if a problem arises; 2. Mr. Elliot only scrutinized the amount of time I took for my breaks and did not monitor my male co-workers; 3. When I submitted my vacation requests upon returning from maternity leave, Mr. Elliot stated he lost my request, but then stated he threw it away because he didn't know who it belonged to, 4. Mr. Elliot would not approve my leave requests and would schedule me to work regardless of my requests, 5. I was the only employee of the meat department scheduled to work 3 nights a week whereas all my male co-workers were only scheduled to work 1 night per week, 6. Mr. Elliot would frequently yell at me in front of customers and did not yell at my male co-workers at any time, 7. Shortly before going out on medical leave at the end of August 2003 my hours were reduced from full time to part-time (30 hours or less), whereas my male co-workers are instructed to work at more than one store to ensure they receive a 40 hour work week each and every week, 8. My similarly situated male co-workers are paid at a higher rate than I am.



I also want this charge filed with the EEOC. I will advise the agencies if I change my address or telephone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

SIGNATURE OF COMPLAINANT

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

I declare under penalty of perjury that the foregoing is true and correct.

NOTARY - (When necessary to meet State and Local Requirements)

Date

Charging Party (Signature)

Subscribed and sworn to before me this date

(Day, month, and year)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Judy Enders Maden
11 Laurel Avenue
Wilmington, DE 19809

From: Equal Employment Opportunity Commission
Philadelphia District Office
The Bourse
21 S. Fifth Street, Suite 400
Philadelphia, PA 19106-2515

440-2600

[] On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

Charge No.	EEOC Representative	Telephone No.
17C-2004-00160	Legal Unit	(215) 440-2828

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:

- [] The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.
- [] Your allegations did not involve a disability that is covered by the Americans with Disabilities Act.
- [] The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.
- [] We cannot investigate your charge because it was not filed within the time limit required by law.
- [] Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.
- [] While reasonable efforts were made to locate you, we were not able to do so.
- [] You had 30 days to accept a reasonable settlement offer that afford full relief for the harm you alleged.
- [X] The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.
- [] The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.
- [] Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit **must be filed WITHIN 90 DAYS from your receipt of this Notice**; otherwise, your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that **backpay due for any violations that occurred more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission



Marie M. Tomasso, District Director

June 27, 2005
(Date Mailed)

Enclosure(s)

cc: Superfresh Supermarket
Sheryl Martin, Senior Counsel (For Respondent)

**INFORMATION RELATED TO FILING SUIT
UNDER THE LAWS ENFORCED BY THE EEOC**

*(This information relates to filing suit in Federal or State court under Federal law.
If you also plan to sue claiming violations of State law, please be aware that time limits and other
provisions of State law may be shorter or more limited than those described below.)*

**PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA),
or the Age Discrimination in Employment Act (ADEA):**

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge **within 90 days of the date you receive this Notice**. Therefore, you should **keep a record of this date**. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed **within 90 days of the date this Notice was mailed to you** (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: backpay due for violations that occurred **more than 2 years (3 years) before you file suit** may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/96 to 12/1/96, you should file suit **before 7/1/98** -- not 12/1/98 -- in order to recover unpaid wages due for July 1996. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice **and** within the 2- or 3-year EPA backpay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

push If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do **not** relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, **please make your review request within 6 months of this Notice**. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.